IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR
ORDER

S.B. Civil Writ Petition No.2538/02
Kanhiyalal Sharma Vs. Bharat Petroleum Corporation Ltd. & Ors.

Date of Order :: 13/4/2007.

Hon'ble Mr. Justice Mohammad Rafiq

Shri R.K. Mathur, Advocate for petitioner.
Shri A. Kasliwal, Advocate for respondents.

The petitioner has filed this writ petition with the prayer that the respondents be directed that by treating him as the only eligible candidate to issue letter of intent in his name for starting retail outlet at Jhotwara. It is also prayed that the petitioner being handicapped was entitled to be given preference.

Factual matrix of the case is that in response to the advertisement dated 19.11.2000, the petitioner applied for retail outlet dealership to respondent M/s

Bharat Petroleum Corporation Ltd. He appeared before the dealership selection Board on 15.5.01. The petitioner has claimed that he was placed at S.No.2 in the select panel. The selection of the candidates is made on the basis of the guidelines issued by Government of India, Ministry of Petroleum and Natural Gas promulgated on 9.10.2000. After preparation of the panel, the select candidates are required to provide land as indicated in the application form within a period of two months. The selected candidates in the present case failed to provide land as per the norms because the land offered by him belongs to RIICO which is merely been released out to him for 99 years and therefore such land cannot be subject of further sublet. The petitioner submitted representation on 16.5.01 to the respondent and lastly again on 19.1.02, but they failed to respond. The petitioner being physically handicapped personally

visited the office of the respondent time and again and finally when no action was taken, he served the notice for demand of notice. It is submitted that the selected candidate Panwan Agarwal having not offered the land as per the norms has fortified the right to stop the retail outlet.

The respondents have contested the writ petition and submitted that the selection for allotment of the retail outlet was made strictly as per the laid down norms by the dealer selection Board headed by a retired Judge of the High Court and two very senior officers of the Oil Companies. Finalization of land of retail outlet on suitable site as per the marketing plan is the sole discretion and prerogative of the company. In the course of argument, the learned counsel for the respondent submitted that the select candidates were found more meritorious than the petitioner. Though preference was

to be given to disabled candidates but that could be only if the other things were equal. In the present case it was submitted that the selected candidates having already commissioned the retail outlet has started functioning. It was therefore prayed that the writ petition be dismissed.

Having heard the learned counsel for the parties and perused the material on record, I find that whether the land which was offered by respondent no.4 was suitable or not was a matter to be decided by the respondent oil company and if on examination of the papers they are satisfied about the suitability of the land, their decision cannot be questioned. The selection of the respondent though was made on merits, there is no basis to hold that it was based on extraneous consideration or contrary to the guidelines laid down. I therefore do not find any merit in the writ petition.

The writ petition is dismissed with no order as to costs.

(Mohammad Rafiq),J.

RS/-